GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3101
ANSWERED ON:05.12.2016
Manipulation in Records
Goud Dr. Boora Narsaiah;Meena Shri Harish Chandra

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the Government is aware of the fact that allowing industries to exploit the rich natural resources is affecting the development of the tribal areas, if so, the details thereof;

(b) whether the Government has recognized that land acquisition by the State, manipulation of the records and also wrong interpretation of law have led to massive neglect of tribals and their needs; and

(c) if so, the details thereof alongwith the corrective steps taken/being taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI JASWANTSINH BHABHOR)

(a) Industries are given land and permission to exploit natural resources as per extant laws, rules and set procedures. There are special safeguards in tribal belts with regard to allotment of land for industries and other such purposes.

(b) & (c) The Department of Land Resources in the Ministry of Rural Development is the nodal agency for matters relating to land acquisition. Under the land Rehabilitation Act, 1894 as well as under the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013)', acquisition of land for various projects is done by concerned State Governments / UT Administrations. As per Section 48 of the RFCTLRR Act, 2013, a 'National Monitoring Committee' has been constituted to review and monitor the implementation of Rehabilitation and Resettlement schemes or plans related to land acquisition under the RFCTLARR Act, 2013 and National Rehabilitation & Resettlement Policy (NRRP), 2007.
Further, regulation of mining, including grant of mineral concessions, is governed by the provisions of the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957. State Governments are guided by the following provisions while granting mining lease in the scheduled areas:

(i) As per section 4(k) of the Panchayats (Extension to the Scheduled Areas) Act, 1996, recommendations of the Gram Sabha or the Panchayats at the appropriate level shall made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas.
(ii) The Mineral (Auction) Rules, 2015 have been framed for regulating the terms and conditions, and procedure, subject to which the auction shall be conducted for grant of mineral concessions. Rule 6 and Schedule 1 of the said Rules contain the eligibility conditions for grant of mining lease. Sub-rule (2) of Rule (6) particularly concerns with the right of Tribals in the Scheduled Areas which inter-alia stipulates that the State Government may having regard to Article 244 and Fifth Schedule and Sixth Scheduled to the Constitution, the provisions of the Panchayats (Extension to the Scheduled Areas) Act,1996 (40 of 1996); and the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 (2 of 2007), make such amendments to schedule 1, as it may deem necessary.
(iii) As per clause (l) of rule 12 of the Mineral (Other than Atomic Hydro Carbon Energy Minerals) (OTAHCEM) Concession Rules, 2016, one of the conditions subject to which a mining lease is granted is that the lessee shall, in the matter of employment, give preference to the tribals and to the persons who become displaced because of the taking up of mining operations.
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